

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMUEL D. RUFFINO,

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner of the
Social Security Administration,

Defendant.

ORDER

13-CV-800

On November 27, 2013, United States District Judge Richard J. Arcara referred this case to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(B). On October 30, 2015, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the defendant's motion for judgment on the pleadings be denied and that the plaintiff's motion for judgment on the pleadings be granted to the extent that the case be remanded to the Acting Commissioner for further proceedings. The case then was transferred to the undersigned on November 23, 2015.

This Court has carefully reviewed the Report and Recommendation (Docket Item 12), the record in this case, and the pleadings and materials submitted by the parties. No objections have been timely filed. Therefore, it is hereby

ORDERED that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons explained

in Magistrate Judge McCarthy's careful and detailed Report and Recommendation, the defendant's motion for judgment on the pleadings is denied, the plaintiff's motion for judgment on the pleadings is granted to the extent of remanding the case to the Acting Commissioner for further proceedings, and the case is remanded to the Acting Commissioner for further proceedings consistent with Magistrate Judge McCarthy's Report and Recommendation.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

Dated: December 30, 2015